

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Stephon Lamont Hill a/k/a Stephon L. Hill,)	C/A No.: 8:07-2629-JFA-BHH
)	
Plaintiff,)	
vs.)	O R D E R
)	
Terry M. Love, Detective; and)	
Yale Zamore, Esquire,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Stephon Lamont Hill, initiated this action pursuant to 42 U.S.C. § 1983 contending that he was falsely arrested and imprisoned. He is currently incarcerated at the South Carolina Department of Corrections at the Kirkland Correctional Institution.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this action should be dismissed as to defendant Zamore for failure to state a claim upon which relief can be granted. The Magistrate Judge further suggests that because defendant Zamore did not act upon color of state law, he is entitled to summary dismissal.

The plaintiff was advised of his right to file objections to the Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

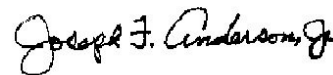
Recommendation. He did not file objections² to the Report.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and the Report is incorporated herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process as to defendant Zamore only. The clerk shall proceed with service on the remaining defendant, Terry M. Love.

IT IS SO ORDERED.

October 16, 2007
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

² Under 28 U.S.C. § 636(b)(1), the district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's Report to which objections have been filed. The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to timely file specific written objections to the Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).